

PATENTS
15311-2310REMARKS

Applicant's attorney and the Examiner had a telephone discussion on Sept. 3, 2003 regarding this response and an earlier response Express mailed to the PTO on Sept. 2, 2003, by Applicant's attorney. The present response only adds new claims 13-16. These new claims add specificity to further distinguish the claims from the cited references, as discussed below.

The following is from the argument filed in the Sept. 2, 2003 response, except for a short added paragraph below discussing new claims 13-16.

The Office Action rejected claims 1-3 and 6-8 under U.S.C. 103(a) as being unpatentable over U.S. patent no. 6,360, 263 to Kurzberg et al. (Kurtzberg) in view of U.S. patent no. 6,473,424 to DeJager (DeJager). Dependent claims 4, 5, 9 and 10 were rejected under Kurtzberg in view of DeJager in view of U.S. patent no. 6,173,346 to Wallach et al. (Wallach).

Claims 1 and 6 in a system format, the independent claims, include these elements:

determining the number and type of transactions anticipated at a port,
determining the number and type of devices being serviced via the port,
setting criteria for transactions at the port with respect to the number and type of transactions and devices, and
assigning the system resources to the port with respect to the criteria.

Please note that the criteria are set in response to the number and type of transaction and device, and the resources are assigned in response to the criteria. The direct implication is that different criteria and different system resources will be set and assigned for different particulars in systems.

PATENTS
15311-2310

The Examiner cited col. 1, lines 57-58 in Kurtzberg as anticipating the first phrase "determining the number and type of transactions....." of claim 1, and col. 2, lines 51-55 as anticipating the phrase "determining the number and type of devices....." number and type of devices being serviced.

However, col. 1, lines 57-58 of Kurtzberg discuss "job requirement." Respectfully "job requirements" seems to be "loads," like memory, as found in Kurtzberg in col. 2, lines 60 et seq. A "load" is not the same as the number and type of transactions as claimed.

Kurtzberg in col. 2, lines 51-55 discusses types of resources (main and secondary memory, CPU loading and external connections) needed to satisfy the requirements of a user. Kurtzberg handles a time share user and needs to assign memory or other internal system resources depending on the needs of the user, but Kurtzberg is silent on the devices serviced at a port. The system resources needed to service a port are not the devices being serviced via the port.

The Office Action continues stating that Kurtzberg does not teach the "setting criteria...with respect to the ...transactions and device" and does not assign the resources with respect to the criteria. The Examiner finds that DeJager at col. 2, lines 50-56, teaches allocating resource to accommodate the I/O transactions including the claimed elements of the present claims 1 and 6 of setting criteria at col. 3, lines 21-24, and assigning system resources with respect to the criteria, col. 3, lines 24-32.

PATENTS
15311-2310

DeJager at col. 3, lines 21-32, discusses load balancing by allocating port assignments based on the packets being handled at each port. The packet ID's are determined and tracked through assigned ports to ensure proper sending. Since the objective of DeJager is to ID and track packets to balance loads at ports, the packets are ID'ed, assigned to ports depending on load at those ports and tracked. DeJager does not pick and choose resources depending on a set of criteria selected in response to the I/O transaction type and the I/O device type as claimed in the present invention. Arguendo, if the port "loading" is a criterion where DeJager then changes the assigned port for the next packets, this is still distinguished from the last phrase in the present claims 1 and 6 where the "system resources (are assigned) to the port." The port itself is not re-assigned in response to the criteria in the present invention.

Claims 11 and 12 are offered to more clearly distinguish the cited references by specifying specific criteria.

Kurtzberg and DeJager form the basis for the rejections of the two independent claims and all other claims dependent from claims 1 and 6. The present response distinguishes those two references and therefore claims 1 and 6 and all the dependent claims are distinguished from the cited references. Wallach does not help.

New claims 13 - 16 are more detailed claims that more clearly distinguish the cited references by combining specifics regarding hot swapping and allocating system resources determined from the number and types of devices being serviced at a port. The states and status of resources directed to assemblies that may be hot swapped are copied so accommodate the hot swapping, and, in addition, resources are assigned to the port to

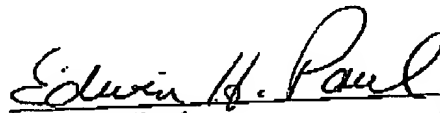
PATENTS
15311-2310

accommodate the number and types of transactions and devices at that port. These specific combinations (as claimed in method and system types claims 13-16) are not found or suggested in the cited references. No new matter is added as each of the specifics is found in the original application as filed.

A notice of allowance is respectfully requested for claims 1-16.

A fourth independent claim has been added by this response, please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,


Edwin H. Paul
Reg. No. 31,405
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500

OFFICIAL**RECEIVED
CENTRAL FAX CENTER****SEP 05 2003**